

2 July 1993

Joseph C. Helfrich  
Assessment Officer  
Utah Division of Oil Gas & Mining  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203

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DIVISION OF  
OIL GAS & MINING

Ref: Proposed Assessment for State Violations No. N93-35-3-1, Co-Op Mining Co., Bear Canyon Mine, ACT/015/025, Emery County, Utah

As an agent of Co-Op Mining Co. I request that an *Assessment Conference* to review the violation and proposed penalty be scheduled. The following comments refer to the violations.

## II. SERIOUSNESS

### A. Event Violations

The assessment states that "the event which the violated standard was designed to prevent" was "Injury to the public (public safety), damage to property, conducting activities without appropriate approvals, and environmental harm." It should be noted that there no injury to the public, no damage to property and no environmental harm occurred. These were not identified by the inspector as *events* that did occur. Conducting activities without appropriate approvals is not an "event" it is the *standard* which is said to have been violated.

Points should be gaged on the probability of the occupance of the events which the standard was designed to prevent. The location where blasting occurred is well within the permit boundaries. The location is private and within the disturbed area. No private property or buildings outside the permit area are found within 1,000 feet. The public is not in position to be injured by a blast in this area. Assessed points are not represent the fact that the Division has issued a violation, they are to assess probability of occurrence of the event which the violated standard was design to prevent.

30-day prior public notification is required for blasts that use more than five pounds of blasting agent or explosive which is not applicable.

IV. GOOD FAITH

Extended Compliance was not requested or required for abatement. Points for Normal Compliance should be assigned to represent actual events.

Please notify me and the *Resident Agent* of Bear Canyon Mine when a conference can be scheduled.

Resident Agent: Mr. Wendell Owen  
P.O. Box 1245  
Huntington, Utah 84528

Thank you for your cooperation in this matter.

A handwritten signature in cursive script, reading "Kimly C. Mangum". The signature is written in black ink and is positioned above a horizontal line that extends across the page.

Kimly C. Mangum, P.E.  
Permitting & Compliance Consultant.

cc: Co-Op Mining Co.